

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WENDELL DUNCAN

PLAINTIFF

v.

No. 4:18CV18-JMV

PELICIA HALL, ET AL.

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION
FOR ALTER OR AMEND JUDGMENT**

This matter comes before the court on the plaintiff's motion for reconsideration of the court's April 9, 2018, order dismissing the instant case because the plaintiff has not paid various sanctions imposed upon him by this court – and is not permitted to proceed in this court until he does so. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e), which must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). Mr. Duncan has not shown proof that he has paid the sanction; as such, he has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). Hence, the plaintiff's request to alter or amend judgment is **DENIED**.

SO ORDERED, this, the 10th day of May, 2018.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE